IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

WRIT PETITION NO.2727 OF 1989

Inarci Kunuted .. Petitioner

v/s.

Mahanagar Telephone Nigam Limited
& ors. .. Respondents

Mr.Tushar Bhavsar i/by M/s.Crawford Bayley & Co.
for the petitioner.

**CORAM : R.M. LODHA AND**
**J.P. DEVADHAR, JJ.**

**DATED : 17th June, 2005**

**P.C.**

Heard.

2. Though by way of the amendment in the writ petition, the petitioner has prayed for declaration that Rule 443 of the Indian Telegraph Rules, 1951 be declared as unconstitutional, null and void, during the course of arguments, the learned counsel for the petitioner did not press the said prayer. He invited our attention to the judgment of the Supreme Court in the case of Telecom District Manager, Goa and ors. v. V.S.Dempo & Co. and ors., AIR 1996 SC 1545 and submitted that the dispute raised in the writ petition relating to the impugned bills (Exhibit 'A' and 'H') may be ordered to be determined by the arbitration as provided in section 7B of the Indian Telegraph Act, 1885.

3. We find the submission of the learned counsel for the petitioner reasonable and accordingly, dispose of the writ petition by the following order:-

**ORDER**

(i) The dispute raised by the petitioner concerning the impugned bills dated 21st August, 1988 and 22nd October, 1988 (Exhibits 'A' and 'H') are ordered to be determined by arbitration as per section 7B of the Indian Telegraph Act, 1885. The respondents are directed to take steps in that regard.

(ii) Until determination of the dispute by arbitration as aforedirected, the interim order dated 11th December, 1999 shall remain operative.

No costs.

**(R.M.LODHA, J.)**

**(J.P. DEVADHAR, J.)**